Previous references.
P. F. 54-1895 6

File No. 486

1904-5

(Rev: Misc)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 163.

PART B FOR December

SUBJECT.

Acquisition of land for constructing a hikkal or channel to supply water to S. No. 53 in the Brahmapura village, Seringapatam Taluk.

FILE No. 486 of 1904-05.

Acquisition of a portion of Survey No. 52 of the Brahmapura village in the Seringapatam Taluk.

1	From the Revenue Commissioner in Mysore, No. 2814, dated the 20th September 1904. Solicits sanction to the acquisition of two guntas and 81 yards of land out of Survey No. 52 of the Brahmapura agrahar village required for constructing a hikkal or channel to supply water to Survey No. 53 in the same village.
2	To the Revenue Commissioner, No. R. 5439, dated 22nd December 1904. Sanctions the acquisition of the land.
3	Notification No. R. 5440, dated 22nd December 1904. Notifies the acquisition of the land.

P. F. 54 of 1895-96.

G. R. S. 58.

G. R. S. 11] 190 4.

GENERAL AND REVENUE SECRETARIAT.

(Rev. mi)

NOTES.

File No. 486 of 04

FILE HEADING.

Acquisition of land in Survey no. 52 of the Brahmapura Agrahar Village, Seringapatam Taluk

From

The Revenue Commissioner in Mysore

No. 2846. Dated 20th Sep. 04 / 30th Oct. 04. Received 3rd Oct. 04.

Diary No. 2668.	Enclos. 4 + V. P. Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Submits the entire records in the Case and requests sanction of Survey no. 52 of the Brahmapura agrahar Village, Seringapatam required for Construction of a tank bed to supply water to Survey nos of the said Village

NOTES AND ORDERS.

From the records the following appear to be the facts of the Case:-

Thammayya, a pleader at Mysore is the owner of Survey No 53. Survey no 53. was first assessed with wet rate Rs 4

NOTES—First sheet.

MGCPB—25,000—18-8-04

Serial No.

years ago. 16 Rs was fixed as its assessment. For want of water, the land remains dry to this day; but the wet assessment is continued to be recovered from the land owner although he has not been deriving any proportionate benefit from the land. The Surveyor reports however that wet crops had been grown in the land. The local inspection has proved that Survey No 53 Canal get water except the surplus water passing over Survey No 52. which it is alleged will suffice to irrigate Survey No 53. One Nagamma is the owner of Survey No 52. and is unwilling to allow the surplus water from his land to proceed to Survey No 53. At a heavy cost Thammanayya has - Hey X. Hey V. Hey W. covered his land which was slightly higher than Survey No 52 to get a free supply of water.

Ever since Survey No 53 was assessed as a wet land, Thammayya has been struggling hard to get water to his land. He approached

MGCPB—20,000—1-11-04.

Serial No.

the Taluk and District Authorities. Failing in that redress, he then approached the Government in 1900 appealing against the Deputy Commissioner's order, not to reconsider the decision of the Sub-division officer which was prejudicial to him, as being time barred. On obtaining the report of the Deputy Commissioner, the Government had given an endorsement to the petitioner intimating him the steps taken by the Deputy Commissioner in the matter (as appears in the Deputy commissioner's report) that the Amildar had been directed to take measures to assure water-supply to Survey No 53.

On 3.8.95 Mr Ramanuja Iyengar, the Deputy Commissioner inspected the lands in question in presence of the representatives of Dhammappa and Narayana and tried to effect a compromise between the parties. The person representing Narayana agreed to allow water from Survey No 52 to Survey No 53. Subsequently

Hey. Q

Hey. O

Hey. N

Hey. V.

G.R.S. 12)
General and Revenue Secretariat.

File No. 486 of 1904

Serial No.	
	Mr Jayarama was asked to give a Kuchalika as to his agreement, but he refused to do so.
Rev. VP.	There being no course for water Supply to Survey No 53 other than by Constructing a Kittakom Survey No 52, it is proposed to acquire 2 Gunthas, 8 1/2 Gs from Survey No 52.
Rev.	Both the Deputy Commissioner and the Revenue Commissioner recommend the acquisition of the required portion of Survey No 52 under Land acquisition Regulation.
	Mr N. Venkata Rao, the Sub-division officer quotes, as a precedent in his report to the Deputy Commissioner of Bangalore, in the matter, No 57, dated 30th July '03, a previous proceedings of the Government directing the acquisition of land in a similar Case (Mansab Sahib vs Qadi Hachanna). No 7498/Pf. 54-95 dated 18/21. 2. 96.
Rev. P.	Submitted for orders.
	T.R. 9/12 Dec. '04
	Subd. It seems doubtful if the provisions of the

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

of the Land Acqn. Regn. can be made applicable
to the case. The strip of land is required for
constructing an embankment over which
water has to be taken to irrigate our
Perennial land viz S-Nos: 52-3.
Section 6 of the L.A. Regn. says down that "when-
-ever it appears to the Govt. of Mysore that
any particular land is needed for a
public purpose &c a declaration shall
be made to that effect" &c. As survey nos 52-3
have been specified as well-land it behoves the
Govt. to supply water to it. To do so the
strip of land referred to above is required. The
question to be decided is whether the
purpose can be construed to mean public
purpose referred to in Secs 4-6 & 7 of
the L. Acqn. Regn. The Hon'ble Rodes Sahib who
Mr quotes on his behalf in which Govt.
sanctioned the acquisition of a strip
of land for the purpose of supplying irrigation water
to another land. No suggestion of acquiring
the land therein for the purpose emanated from
the Govt.

Further it is evident from the Memorandum
that S. Nos 52-3 can be irrigated from the surplus
water of S. Nos: 52 marked above & that the object
of the latter is to avoid the surplus water

Flag W

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

Har C

Waste-Water of his field to run into B. No 53 has diverted it into the river. His act is not punishable under the rules relating to Channel Offences. I do not think that this Subdivision is a case to which the provisions of the Land Acquisition Act should be applied as the acquisition of the land in question is intended to benefit a particular piece of land in the possession of a private person which cannot hardly be regarded as a public purpose. The land has been assessed at such rates as the ground that it is to divert its water from a particular source. If this is done by the act of any private person the proper course is to proceed against such person for damages. Govt is not bound to supply some other source of water supply if through the fault of the neighbouring occupants any there is not able to get his proper supply of water. The precedent quoted cases can not be regarded as a matter of right for concession in a particular case and not creating a declaring any obligation on the part of Govt to interfere in such matters.

9/10/12

Note--Contn. sheet.

MGCPB--20,000--1-11-04.

10/12/12

9/10/12

Serial No.

I humbly agree with the Asst-Secy:- The person that caused diminution of water to the petitioners land may be proceeded against under the penal code (Vide Sec 430). Submitted to the Devasthanam for orders &
12.12.1904
[illegible]
[illegible]

3357/12.12.04. 3398 Mr. Gopalachari is entitled to the compensation he demands for the compulsory acquisition of a portion of his land. It is the man who obstructs that loses the land acquisition proceedings are ordered. 13.XII.04
Draft-accd
&
14.12.1904
Submitted with a draft. Secy
[illegible] 15/12/04.
[illegible] Passed & 16/12/04
[illegible]

2 To the Collr. Cbe. No: R 54398/22 12.04.
Sanctions the acqn of the land.

3. To the Compiler, No: R 54400/22.12.04.
Notifies the acqn of the lands.

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

Secret

p1

2668
Rev

No. 2,814

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore.....20th.....September.....*190*

FROM T. ANANDA ROW, ESQ., B.A.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General & Revenue Departments.

SIR,

I have the honor to submit copy of Mysore Deputy Commissioner's letter No.54 dated 10th August 1903 together with a declaration statement and the connected records, in the matter of the acquisition of 2 - 31 - 6 yds of land in Survey No.52 of the Brahmapura agrahara village, Seringapatam Taluk, and required for constructing a hikkal to supply water in Survey No.53 situated in the same village and to request that the acquisition of the said extent of land may be kindly sanctioned under the Land Acquisition Regulation and the declaration statement ordered to be published in the Gazette.

I have the honor to be,

Sir,

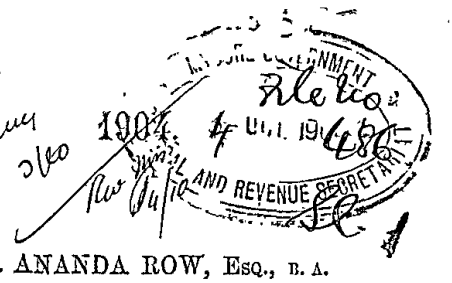
Your most obedient servant,

For *Revenue Commissioner.*

K.A.R.

T.

Revenue 1904. 4 Oct. 1904. 486



From

T. ANANDA ROW, Esq., B. A.

Revenue Commissioner
in Mysore;

To

The Secretary to Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 20th Sept 04

Despatched 3 Oct ~~September~~ 1904.

Received

No. 2874

Enclosure No. 4+V Pkts.

Requesting sanction of the acquisition of land in Survey No.52 of the Brahmapura agrahar village, Seringà-patam Talùk.

-00--------

See ins Files

2

No.54 Deputy Commissioner's Office

Mysore District.

Dated, Mysore 10th August 1903.

From,

M. Kantaraj Urs Esquire B.A.,

Offg. Deputy Commissioner, Mysore District.

To,

V. P. Madhava Rao Esquire B.A.,C.I.E.,

Revenue Commissioner in Mysore.

Sir,

With reference to your Docket No.3134 of the 18th June 1903, calling for a report with records on the necessity for the acquisition of land in the Bramhapura agrahar, Seringapatam Taluk, I have the honor to forward herewith the vernacular records ending with this Office Yadi No.1147/1684 of the 26th May 1903 together with the French Rocks Sub Division Officer's docket No.57 dated 31st July 1903, reporting upon the necessity etc of the proposed acquisition.

6 yds 2-18 in S.No-52

I have etc.

Sd/- M. Kantaraj Urs.

Offg. Deputy Commissioner.

"C o p y."

For Revenue Commissioner.

K.A.R.

3

G.R.S. 28]

File No. 486/04.

Serial No. 7

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Rev. Min.)

READ.—

Letter No. 2814 dated 11th 20th Sep. 1904 from the Revenue Commissioner in Mysore, Soliciting Sanction to the acquisition of 2 Gunthas and 81 3/8 of land in Survey No 52 of the Brahmapura Agrahar Vikasa, Seringapatam Taluk

, the 22-12- 1904

Date of issue 22-12-04

Signed by Mr. B.G. D'Souza

ORDER THEREON. No.

Order thereon

Survey numbers 52 and 53 of Brahmapura Agrahar are kata private holdings, and are classified as such

over P.T.O.

No. R. 5439

Mors. 486-84-7

Enc. 1 file

SUBJECT

4 in the Survey Settlement
Survey No 53 has no Source
of water Supply other
than the Surplus water
from Survey No 52 The
holder of Survey No 52 having
objected to allow water
to Survey No 53, it is proposed
to acquire 2 Gunthas and
8 1/2 Lks out of Survey No 52. to
Construct a Nikkal (or channel) to
Supply water to Survey
No 53.

~~Government Consider the~~
~~acquisition quite legal~~
~~the purpose being to facil-~~
~~-itate the occupation of~~
~~a Government Land classi-~~
~~-fied~~ ~~Classified as Wet~~
~~Accordingly~~ The acquisition
proposed is Sanctioned under the
provisions of the Land Ac-
-quisition Regulation VII of
1894

I think the Survey becomes the
property
16/12/01

5

5

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

The declaration will, as usual, be published in the official Gazette. Under Section 7 of the said Regulation, the Deputy Commissioner of Dunstone is authorized to take orders for the acquisition of the said Strip of Land.

19.12.1902
Secretary.

June
Ch
19/12/02

B
19/12/1911

To. P. 16/12/02
The Rev. Commissioner
in Dunstone with the enclosure

T&R 15/12

Typed
Reg 20/12/02

9 – Mis. 486-04-2 Dated. 22/07/04

Under Section 6 of hereby declared that the under mentioned Strip of the observing of a hikkad. (Channel); & ~~Board~~ And the Commissioner of the Mysore District is authorized to

District	Taluk	Hobli	Village	Name of Holder		
Mysore	Seringapatam	Pallahalli	Agrahar	Mayappa bin Devaru Mariappa	Survey No. 2	

Order. 18.12.1904

Secretary.

To. The Compiler, Mys
for publica
next three Su
of the gazet
and Kan

ication No. R. 5440 – Mis. 486-04-2 Dated. 22/12/04

lation, No VII of 1894, it is hereby declared that the

a public purpose, viz, the opening of a bridle

foresaid regulation, the Deputy Commissioner of the District

isition of the land.

land.						
ient	Land required.	East	West	South	North.	
	2 Bighas 8 Biswas Land clearing Survey No 53.	Chaunal	Survey No. 52	Survey No 51.		

By order.

18.12.1904

Secretary.